

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

**EMPLOYERS AND OPERATING  
ENGINEERS 520 PENSION FUND, et al.,**

**Plaintiffs,**

**v.**

**AURA CONTRACTING, LLC,**

**Defendant.**

**No. 10-0753-DRH**

**MEMORANDUM and ORDER**

**HERNDON, Chief Judge:**

On September 12, 2011, pursuant to 28 U.S.C. § 636(b)(1)(B), United States Magistrate Judge Philip M. Frazier submitted a Report and Recommendation (“the Report”) recommending that the Court grant plaintiffs’ motion for contempt, that defendant be held in civil contempt and that defendant be permitted to purge themselves of any finding of contempt by paying to plaintiffs the sum of \$25 a day for each day after August 16, 2011, that they fail to comply with the July 28, 2011 order (Doc. 23).<sup>1</sup>

The Report was sent to the parties with a notice informing them of their right to appeal by way of filing “objections” by September 30, 2011. To date, none of the parties have filed objections, and the period in which to file objections has expired. Therefore, pursuant to 28 U.S.C. § 636(b), this Court need not conduct *de novo*

---

<sup>1</sup>Defendant did not respond to the motion for contempt.

review. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1985).

Thus, the Court **ADOPTS** the Report in its entirety (Doc. 23). The Court **GRANTS** plaintiffs' motion for contempt (Doc. 21). Further, the Court finds defendant in civil contempt and finds that defendant may purge itself of contempt by paying plaintiffs \$25 per day for each day after August 16, 2011, that it fails to comply with the July 28, 2011 order. Lastly, the Court **DIRECTS** the Clerk of the Court to send a copy of this Order to the registered agent of Aura Contracting, as recorded with the Missouri Secretary of State: Tim Cory, Registered Agent of Aura Contracting, LLC., 38 Bear Cub Ct., Wentzville, MO 63385.

**IT IS SO ORDERED.**

Signed this 4th day of October, 2011.

*David R. Herndon*



**Chief Judge  
United States District Court**